

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CRIMINAL NO. 1:08CR5**

**UNITED STATES OF AMERICA**

**VS.**

**JEFFERY WILLIAM BRANNIGAN**

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**ORDER**

**THIS MATTER** is before the Court on a letter received from Defendant's counsel dated September 29, 2008, which is construed as a motion for reconsideration and/or modification of Defendant's sentence. The motion is denied.

The Defendant was sentenced on September 2, 2008, to a six month term of imprisonment. **Judgment in a Criminal Case, filed September 4, 2008.** Once imposed, the Defendant's sentence may not be modified or reduced by the Court for the reasons stated in his motion. **See 18 U.S.C. § 3582; Fed. R. Crim. P. 35.** The Court has no jurisdiction or authority to grant the relief sought. However, the factors recounted in counsel's letter to justify reconsideration of the active sentence were taken into account by

the Court before sentencing and the Defendant received a substantial benefit from the Government's motion for downward departure for his assistance to the Government in their investigations.

**IT IS, THEREFORE, ORDERED** that the Defendant's motion for reconsideration and/or modification of sentence is **DENIED**.

Signed: October 8, 2008

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

